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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/402,563	10/05/1999	LEO K. VAN ROMUNDE	KOB10	6102

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LAHIVE & COCKFIELD  
28 STATE STREET  
BOSTON, MA 02109

EXAMINER

ROBINSON BOYCE, AKIBA K

ART UNIT	PAPER NUMBER
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3639

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/402,563	<b>Applicant(s)</b> VAN ROMUNDE ET AL.	
	<b>Examiner</b> Akiba K. Robinson-Boyce	<b>Art Unit</b> 3639	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,5-10,12-14,16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10, 12-14, 16 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Status of Claims***

1. Due to communications filed 11/22/05, the following is a non-final office action. Claims 1-3, 5-10, 12-14, 16 and 17 are pending in this application. Claims 1 and 12 have been amended. The following rejection reflects the claims as amended.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5-10, 12-14, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by McIlroy et al (US Patent 5,583,758).

As per claims 1, 12, McIlroy, et al discloses:

Method for electronically storing, retrieving and/or modifying records.../computer system for electronically storing...(Col. 2, lines 42-47. Col. 11, lines 52-64, where displaying of the file on the screen constitutes the storage of the file or record);

comprising a display unit...(Col. 4, line 54);

an input unit...(Col. 4, line 52);

a memory unit...(Col. 4, line 52);

and a processing unit...(Col. 4, line 52);

and involving at least one recorded catalogue of recommended actions.../wherein said memory unit of the computer system comprises at least one recorded catalogue...(Col. 7, lines 45-53, Col. 5, lines 21-45);

and for sequentially steering a process of interrelated actions from said at least one recorded catalogue of recommended actions...(Col. 7, line 54-Col. 8, line 22, Col. 2, line 59-Col. 3, line 3);

wherein at least on recorded catalogue of recommended action comprises hierarchised sequences of alternative actions.../involving hierarchised sequences of alternative actions...(Col. 2, lines 66-Col. 3, line 4 [options], Col. 5, lines 14-20);

wherein said actions comprise sequential procedure steps...(Col. 7, line 54-Col. 8, line 22);

wherein for each of said steps the method generates electronic evaluation forms.../wherein said processing unit of the computer is programmed to generate electronic evaluation forms...(Abstract, lines 4-14, Figs 10-17);

hierarchically organized as forms and sub-forms...(Col. 11, lines 6-18, from Fig. 10 to Fig. 11);

wherein said evaluation forms comprise a list of recommended actions...(Col. 13, lines 6-18, Fig. 16);

information-input requests...(Col. 13, lines 30-44);

and wherein said generation of evaluation forms is carried out in function of said hierarchised sequences of alternative actions...(Col. 3, lines 2-4, Col. 5, lines 21-45);

and in function of the past history of alternative actions...(col. 5, lines 46-61);

so as to enable transfer of a group of evaluation forms and sub-forms in one operation into one file...(Col. 18, line 59-Col. 19, line 8).

As per claims 2, 13, McIlroy, et al discloses:

Wherein said at least one recorded catalogue of recommended actions comprise associated electronic selection algorithms in respect of the hierarchised sequences of alternative actions...(Col. 3, line 2-4).

As per claim 3, 14, McIlroy, et al discloses:

Wherein said selection algorithms are integrated in said generated electronic forms...(Figs 10-17).

As per claim 5, 16, McIlroy, et al discloses:

Wherein said evaluation form comprises information from records relevant for a decision-request...(Col. 5, lines 56-65).

As per claim 6, McIlroy, et al discloses:

Wherein a record of information entered and used is stored in said memory unit...(Col. 4, lines 56-59).

As per claim 7, 17, McIlroy, et al discloses:

Wherein a record of the information and actions entered and used is stored in the memory unit of the purpose of measurement of the effectivity and/or efficiency of effects and/or results of the procedure...(Col. 18, lines 16-20).

As per claim 8, McIlroy, et al discloses:

Wherein the method involves a supervising organization for the purpose of quality control and quality improvement...(Col. 18, lines 20-22).

As per claim 9, Mcllroy, et al discloses:

Wherein the method allows for updating of the recorded catalogue(s) of recommended actions...(Col. 10, lines 14-15).

As per claim 10, Mcllroy, et al discloses:

Wherein said supervising organization evaluates the effectivity and/or efficiency of effects and/or results based on said records of information and actions used/entered, stored during use of the method, and updates the recorded catalogue(s) of recommended actions in function of said evaluation...(Col. 3, lines 21-25).

### ***Response to Arguments***

4. Applicant's arguments filed 1/23/06 have been fully considered but they are not persuasive.

First, the applicant argues that Mcllroy fails to disclose the generation of evaluation forms in function of the past history of alternative actions as recited in amended claims 1 and 12. However, Mcllroy discloses that the system develops a treatment evaluation based on the comparison between the actual treatment *already given*, and a guideline treatment, and following this evaluation, a final recommendation treatment is entered for the diagnosis-based guideline in col. 5, lines 46-61. In this case, the actual treatment *already given*, that is derived from the treatment options, serves as a function of the past history of alternative actions since treatments already given have already occurred, and are therefore part of past history.

In addition, the applicant argues that claims 2-3, 5-10, 13, 14, 16 and 17 depend from either claim 1 or claim 12. Since the Mcllroy reference anticipates the limitations of

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claims 1 and 12 as shown above in the preceding paragraph, claims 2-3, 5-10, 13, 14, 16 and 17 are still rejected for the same reasons as discussed above with respect to claims 1 and 12.

**Conclusion**

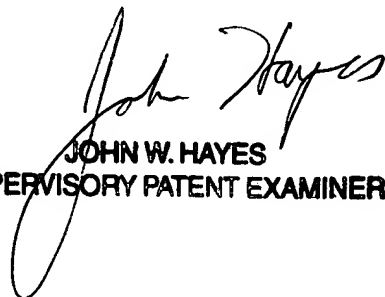
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



A. R. B.  
March 3, 2006



JOHN W. HAYES  
SUPERVISORY PATENT EXAMINER